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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,398

01/30/2006

Yoshichika Konishi

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10/02/2006

SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

AMINZAY, SHAIMA Q

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,398	<b>Applicant(s)</b> KONISHI ET AL	
	<b>Examiner</b> Shaima Q. Aminzay	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## ***DETAILED ACTION***

### ***Specification***

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use

#### ***Arrangement of the Specification***

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

**(e) BACKGROUND OF THE INVENTION.**

**(1) Field of the Invention.**

**(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.**

**(f) BRIEF SUMMARY OF THE INVENTION.**

**(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).**

**(h) DETAILED DESCRIPTION OF THE INVENTION.**

**(i) CLAIM OR CLAIMS (commencing on a separate sheet).**

**(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).**

**(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).**

### ***Objection***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by MacNeille (MacNeille, et al., U.S. Patent No. 6,813,561).

Regarding claim 1, MacNeille discloses a mobile communication apparatus (see for example, *Figures 1-4, column 1, lines 7-10, 14-18, column 2, lines 43-67, column 3, lines 1-5, column 5, lines 4-15, the mobile communication*), comprising: reception means for receiving information (see for example, *Figures 1-4, column 2, lines 43-54, column 5, lines 52-63, receiver for receiving information*); transmission means for transmitting information (see for example,

*Figures 1-4, column 2, lines 43-54, column 5, lines 52-63, the transmitter (Bluetooth) transmits information); surrounding environment detection means for detecting communication obstacles in the surrounding environment (see for example, Figures 1-4, column 3, lines 32-39, column 4, lines 18-20, lines 45-52, column 5, lines 26-38, column 6, lines 63-67, detects the surrounding communications (environment) and close approximates); communication state decision means for making decisions as to the communication state quality based on the detected communication obstacles (see for example, Figures 1-4, column 3, lines 32-39, column 4, lines 18-20, lines 45-52, column 5, lines 4-15, lines 26-38, column 6, lines 63-67, making decisions are based on the state of the property/parameters (quality) of the communication detection); and control means (see for example, Figure 1, column 4, lines 6-18, lines 32-45, the controller), which transmits received information via the transmission means when the surrounding environment detection means detects no communication obstacles and the communication state decision means decides that the mobile unit is in a satisfactory communication state (see for example, Figures 1-4, column 2, lines 43-54, column 3, lines 32-39, column 4, lines 6-20, lines 32-52, column 5, lines 4-15, lines 26-63, column 6, lines 63-67).*

Regarding claim 5, MacNeille discloses a mobile communication apparatus (see for example, Figures 1-4, column 1, lines 7-10, 14-18, column 2, lines 43-67, column 3, lines 1-5, column 5, lines 4-15, the mobile communication)

comprising: reception means for receiving information (see for example, *Figures 1-4, column 2, lines 43-54, column 5, lines 52-63, receiver for receiving information*); transmission means for transmitting information (see for example, *Figures 1-4, column 2, lines 43-54, column 5, lines 52-63, the transmitter (Bluetooth) transmits information*); surrounding environment detection means for detecting communication obstacles in the surrounding environment (see for example, *Figures 1-4, column 3, lines 32-39, column 4, lines 18-20, lines 45-52, column 5, lines 26-38, column 6, lines 63-67, detects the surrounding communications (environment) and close approximates*); communication state decision means for making decisions as to the communication state quality based on the detected communication obstacles (see for example, *Figures 1-4, column 3, lines 32-39, column 4, lines 18-20, lines 45-52, column 5, lines 4-15, lines 26-38, column 6, lines 63-67, making decisions are based on the state of the property/parameters (quality) of the communication detection*); and control means (see for example, *Figure 1, column 4, lines 6-18, lines 32-45, the controller*), which transmits, via the transmission means (see for example, *Figures 1-4, column 2, lines 43-54, column 5, lines 52-63, the transmitter (Bluetooth) transmits information*), information received by the reception means if the communication state decision means decides that the mobile unit is in a satisfactory communication state (see for example, *Figures 1-4, column 2, lines 43-54, column 3, lines 32-39, column 4, lines 6-20, lines 32-52, column 5, lines 4-15, lines 26-63, column 6, lines 63-67*).

Regarding claim 6, MacNeille discloses a mobile communication apparatus (see for example, Figures 1-4, column 1, lines 7-10, 14-18, column 2, lines 43-67, column 3, lines 1-5, column 5, lines 4-15, the mobile communication) comprising: reception means for receiving information (see for example, Figures 1-4, column 2, lines 43-54, column 5, lines 52-63, receiver for receiving information); transmission means for transmitting information (see for example, Figures 1-4, column 2, lines 43-54, column 5, lines 52-63, the transmitter (Bluetooth) transmits information); surrounding environment detection means for detecting communication obstacles in the surrounding environment (see for example, Figures 1-4, column 3, lines 32-39, column 4, lines 18-20, lines 45-52, column 5, lines 26-38, column 6, lines 63-67, detects the surrounding communications (environment) and close approximates); communication state decision means for making decisions as to the communication state quality based on the detected communication obstacles (see for example, Figures 1-4, column 3, lines 32-39, column 4, lines 18-20, lines 45-52, column 5, lines 4-15, lines 26-38, column 6, lines 63-67, making decisions are based on the state of the property/parameters (quality) of the communication detection); and control means (see for example, Figure 1, column 4, lines 6-18, lines 32-45, the controller), which transmits, via the transmission means (see for example, Figures 1-4, column 2, lines 43-54, column 5, lines 52-63, the transmitter (Bluetooth) transmits information), the information received by the reception



means only if no information identical to that information is received again within a predetermined period of time after its receipt (*see for example, column 4, lines 53-64, column 7, lines 19-24*).when the communication state decision means decides that the mobile unit is in an unsatisfactory communication state (*see for example, Figures 1-4, column 2, lines 43-54, column 3, lines 32-39, column 4, lines 6-20, lines 32-52, column 5, lines 4-15, lines 26-63, column 6, lines 63-67, column 8, lines 49-54*).

Regarding claim 2, MacNeille teaches all the limitations of claim 1, and further, MacNeille teaches wherein, when the communication state decision means decides that the mobile unit is in an unsatisfactory communication state if the surrounding environment detection means detects the communication obstacles (*see for example, Figures 1-4, column 2, lines 43-54, column 3, lines 32-39, column 4, lines 6-20, lines 32-52, column 5, lines 4-15, lines 26-63, column 6, lines 63-67, column 8, lines 49-54*), the control means transmits the information received by the reception means via the transmission means only if no information identical to the received information is received again within a predetermined period of time after its receipt (*see for example, Figures 1-4, column 2, lines 43-54, column 3, lines 32-39, column 4, lines 6-20, lines 32-64, column 5, lines 4-15, lines 26-63, column 6, lines 63-67, column 7, lines 19-24, column 8, lines 49-54*).

Regarding claim 3, MacNeille teaches all the limitations of claim 1, and further, MacNeille teaches wherein the surrounding environment detection means is an imaging means installed in the mobile unit (*see for example, Figures 1-4, column 1, lines 7-10, 14-18, column 2, lines 43-67, column 3, lines 1-5, column 5, lines 4-15*).

Regarding claim 4, MacNeille teaches all the limitations of claim 1, and further, MacNeille teaches wherein the reception means and the transmission means is a wireless communication device (*see for example, Figures 1-4, column 2, lines 43-54, column 3, lines 32-39, column 4, lines 6-20, lines 32-52, column 5, lines 4-15, lines 26-63, column 6, lines 63-67*).

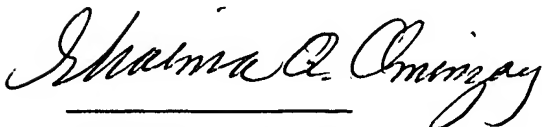
### ***Conclusion***

The prior art made of record considered pertinent to applicant's disclosure, see PTO-892 form.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew D. Anderson can be reached on 571-272-4177. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay  
(Examiner)

September 26, 2006



MATTHEW ANDERSON  
SUPERVISORY PATENT EXAMINER